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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,773	02/05/2000	Anila Bhan	PB-9907	9287

22840 7590 01/12/2004

AMERSHAM BIOSCIENCES
PATENT DEPARTMENT
800 CENTENNIAL AVENUE
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EXAMINER

CRANE, LAWRENCE E

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 01/12/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/498,773	Applicant(s) Bhan et al.	
	Examiner L. E. Crane	Group Art Unit 1623	

- THE MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **--03--** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be filed after six months from the date of this communication.
- If the prior for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 USC §133).

Status

- ☒ Responsive to communication(s) filed on **-09/10/01 (amdt B)-**.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claims **--1-15--** are pending in the application. Claims **-[]-** have been cancelled.
Of the above claim(s) **--[]--** is/are withdrawn from consideration.
- ☐ Claim(s) **--[]--** is/are allowed.
- ☒ Claims **--1-15--** are rejected.
- ☐ Claim(s) **--[]--** is/are objected to.
- ☐ Claim(s) **--[]--** are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on **-[]-** are ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on **-[]-** is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119(a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) **-[]-**.
- ☐ received in the national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: **-[]-**.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). **-[]-**
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other: **-[]-**

U.S. Patent Trademark Office

Office Action Summary

PTO-326 (Rev. 06/19/01)
S. N. 09/498,773

Paper No. **12**

Copy for **FILE** [] APPLICANT

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The previous Suspension of Action is hereby terminated and prosecution is resumed.

Claims 1-15 remain in the case.

5 Applicant is respectfully requested to note that WO98/35978 has been cited as "of interest" and may be part of the basis for applicant's request for the declaration of an interference with US Patent 6,465,628. Alternatively, as suggested in an interview (telephonic, 01/05/03) with applicant's representative, Mr. Royal Ronning, applicant may merely elect to swear behind the instant newly cited US Patent 6,465,628 using a
10 declaration filed under 37 C.F.R. §1.131.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless -

15 (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent."

20 (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent."

Claims 1-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ravikumar et al. '628 (PTO-892 ref. E).

25 Applicant is requested to note that the subject matter of claim 1 of the '628 patent reads on the instant claimed subject matter.

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Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection.

Papers related to this application may be submitted to Group 1600 via facsimile transmission(FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone numbers for the FAX machines operated by Group 1600 are (703) 308-4556 and 703-305-3592.

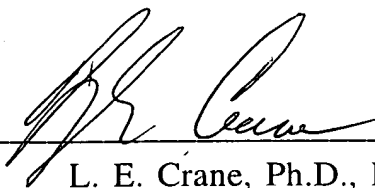
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is 703-308-4639. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson, can be reached at (703)-308-4624.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is 703-308-1235.

LECrane:lec

01/05/03



L. E. Crane, Ph.D., Esq.
Patent Examiner
Technology Center 1600